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301 Ravenswood Avenue, Box No. 34
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In re Application of
Adam Michael Fenne
Application No. 09/428,395
Filed: October 28, 1999
For: **MATCHING A REDUCED SPECTRUM
LIGHTING SOURCE WITH VIDEO ENCODING
PROGRAM VARIABLES FOR INCREASED DATA
COMPRESSION RATIOS**

**DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT**

This is a decision on the request for reconsideration (filed October 21, 2004) of the Petition to Withdraw Holding of Abandonment pursuant to 37 CFR §1.181(a), pursuant to 37 C.F.R. §1.181, filed June 26, 2003 and resubmitted on September 29, 2003 and again on April 13, 2004. No fee is required.. No fee is required.

This application became abandoned to failure to pay the issue fee in response to the Notice of Allowance and Issue Fee Due mailed February 11, 2003. A Notice of Abandonment was mailed June 19, 2003.

Petitioner has alleged non-receipt of the Notice of Allowance and Issue Fee Due. In the petition, the petitioner has provided a statement that the Notice was not received by the petitioner and a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. Moreover, Petitioner states on page 2 of their request, that the Practitioner thoroughly searched the file jacket and docket sheet.

MPEP § 711.03(c) Petitions Relating to Abandonment, states in part:...

**II. PETITION TO WITDRAW HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE OFFICE ACTION**

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that:

- (a) the Office communication was not received by the practitioner;
- (b) attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

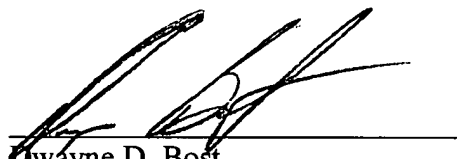
Moreover, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petitioner has satisfied the requirements set forth above in the petition filed June 26, 2003 as supplemented by the request for reconsideration filed October 21, 2004.

Accordingly, the petition is **GRANTED**. The holding of Abandonment is hereby withdrawn. The Notice of Allowance and Issue Fee due is also hereby vacated.

Since it has been established that the Notice of Allowance was not received, it is presumed that the practitioner also failed to receive the Notice of Allowability. The Notice of Allowability will also be re-mailed with the new Notice of Allowance.

The application file is being forwarded to the group technical support staff where a new Notice of Allowance will be prepared and mailed along with a re-mailing of the Notice of Allowability in due course.

A handwritten signature in black ink, appearing to read 'Dwayne D. Bost', is written over a horizontal line.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications